

governed by the Federal Rules of Civil Procedure, the Local Rules of this district¹, and any specific orders that may be issued in this matter.

As described by Local Civil Rule 16.1, while parties may engage in consensual discovery at any time, Court-enforceable discovery does not commence until issues have joined and a Scheduling Order has been entered, with the exception that early Rule 34 requests may be used pursuant to Fed. R. Civ. P. 26(d)(2). A party seeking early Court-enforceable discovery may file a motion for leave to take early discovery stating the reasons therefor.

The undersigned reads Plaintiff's Motion as seeking relief that can be pursued by Plaintiff directly at the appropriate time and without Court intervention, such as the production of information by Defendant, and that is more appropriately addressed at a later stage of the proceedings, such as the sequestration of witnesses. The Motion does not appear to request expedited discovery.

Accordingly, the Motion will be denied without prejudice as being premature. Should Plaintiff seek expedited discovery, he may file a motion to that effect, bearing in mind that any such motion must describe specifically why the discovery sought must be conducted on an expedited basis and cannot be conducted in the usual course during any period of discovery that may be

¹ The Local Rules may be found on the Court's website at <https://www.ncwd.uscourts.gov/court-info/local-rules-and-orders/local-rules..>

authorized in this case.

IT IS THEREFORE ORDERED that Plaintiff's Motion pertaining to discovery (Doc. 7) is **DENIED WITHOUT PREJUDICE**.

Signed: February 9, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

